

## DEPARTMENT OF BENEFIT PAYMENTS



July 24, 1974

ALL-COUNTY LETTER NO. 74-138

TO: ALL DISTRICT ATTORNEYS  
ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY BOARDS OF SUPERVISORS

SUBJECT: FEDERAL FUNDING FOR SUPPORT ENFORCEMENT

## REFERENCE:

The Secretary of Health, Education and Welfare has recently adopted revisions to Part 220, Chapter II, Title 45 of the Code of Federal Regulations, which deal with federal financial participation in the cost of enforcing support obligations in AFDC cases. The new reimbursement program provided for by these revised regulations represents a significant breakthrough in the area of federal funding. This program will make increased federal resources available to law enforcement officials and will allow for the adoption and expansion of necessary child support activities.

The principal differences between the previous regulations and these revised regulations are the deletion of "increased effort" as a factor in the determination of reimbursement, and the allowance for matching funds to offset certain indirect expenses in addition to the direct expenses that could be reimbursed previously. Federal matching funding is now available to offset all costs, both direct and indirect, incurred by law enforcement officials as a result of their activities to establish paternity and secure child support in welfare-related cases.

The ratio of state and federal monies involved in the funding program remains unchanged. Expenses will be reimbursed 50 percent by federal funds and 25 percent by state funds, for a total reimbursement of 75 percent of direct and indirect costs. Claiming pursuant to these revised regulations may relate back to July 11, 1974, the date the regulations were made effective by their publication in the Federal Register.

**OBSOLETE**Superseded by ACL #77-15

Federal matching funds are specifically made available only for child support activities related to AFDC cases. The Department of Health, Education and Welfare has not made a final determination as to whether a caseload percentage method may be used to identify the amount of effort devoted to welfare cases, and until such a determination is made it is recommended that time studies still be conducted, as in the past, for all positions claimed. Those counties which are already claiming federal funding will realize that, while this represents a small degree of administrative burden in order to submit a reimbursement claim, the financial benefits greatly outweigh the paperwork problems. Instructions for claiming and suggested methods for conducting time studies will be issued in the near future.

Revised Section 220.48 requires that, in order for a claim for federal reimbursement to be approved, there must exist a written Plan of Cooperation executed by the various county agencies involved in support enforcement. Counties which have Plans of Cooperation presently in existence should review their Plans to insure compliance with 45 CFR 220.48 as amended. Those counties which presently have approved Plans of Cooperation on file may claim pursuant to such existing Plans until October 1, 1974, by which time new Plans must be submitted.

The new Plans of Cooperation must be approved by the Department of Benefit Payments after they have been executed. A copy of these Plans will be kept on file in the Department. Since this is one of the first steps that must be undertaken in the process of qualifying for federal funding, it is strongly recommended that all counties immediately begin to adopt new Plans of Cooperation, in accordance with revised Section 220.48, and submit them for approval. Attached is a model Plan of Cooperation which meets the required state and federal criteria. It may be used as an example and altered as necessary to meet the needs of each individual county.

The new regulations specifically provide that indirect costs, as well as salaries and employee benefits, will now qualify for federal matching funds. Claiming for indirect costs may only be allowed pursuant to an Indirect Cost Rate Proposal, prepared in accordance with OASC 8. These proposals must be received and approved by the Law Enforcement Assistance Administration

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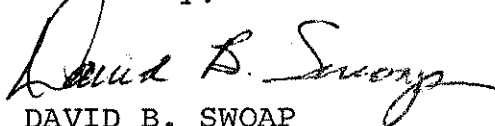
in Burlingame, California, before reimbursement for indirect costs can be allowed. A copy is to be kept by the Department of Benefit Payments. Since the construction of an Indirect Cost Rate Proposal can be a lengthy process, all counties are encouraged to begin work on these proposals as soon as possible.

This Department is in the process of compiling a manual of instructions and procedures for claiming pursuant to the revised regulations. This publication will replace the existing "Federal Funding for District Attorneys" and will be distributed as soon as possible. In addition, there will be a series of workshops conducted throughout the state, to explain claiming requirements and answer questions. A schedule of these meetings will be issued in the near future.

The adoption by the Department of Health, Education and Welfare of these regulations represents a step forward in the field of child support. With the additional monies that will be made available under this revised federal program, the child support activities in law enforcement agencies can now be expanded and improved to reach new levels of effectiveness. It is hoped and expected that all counties will take advantage of these available resources.

The implementation of this new program will proceed as rapidly as possible, and you will be kept advised as to its progress. Any questions or problems should be directed to Jack Flanders, Child Support Coordinator, or to Norman Moe, Financial Planning Bureau.

Sincerely,

A handwritten signature in dark ink, appearing to read "David B. Swoap", written in a cursive style.

DAVID B. SWOAP  
Director

cc: County Welfare Directors' Association

# Register

July 11, 1974—Pages 25439-25624

THURSDAY, JULY 11, 1974

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## PART I

### HIGHLIGHTS OF THIS ISSUE

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#### PART II:

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(i) If the employee is already working under a 12 month appointment, this is his annual salary to which related professional income is added.

(ii) If the employee is working under an academic year appointment (e.g., 9 or 10 months), his salary is annualized in accordance with the following:

(a) The policy and practice established by the Contractor for his on-campus employees, as accepted by the cognizant U.S. Government agency assigned primary audit responsibility for the contract, to which is added other related income from professional employment, excluding business or other activities not connected with the employee's profession, which was earned during the preceding academic year; or

(b) The addition to his academic year salary of related professional income earned during the preceding year.

(b) *Compensation during travel.* Compensation paid while in travel status will not be reimbursed for a travel period greater than the time required for travel by the most direct and expeditious air route except as otherwise provided under the General Provisions clause entitled "Travel Expenses".

(c) *Consultants.* Unless approved by the Contracting Officer or authorized in the Schedule of the contract, no compensation for consultants will be reimbursed.

(d) *Work week.* The work week for Contractor employees working in the U.S. shall not be less than the established on-campus practice of the Contractor.

2. § 7-7.5502-4 is amended to change the date in the title from "June 1973" to "July 1974", and to substitute the following for paragraph (a).

§ 7-7.5502-4 Personnel compensation.

PERSONNEL COMPENSATION (JULY 1974)

(a) *Overseas recruitment incentive.* (1) Short term employees and regular employees serving overseas less than 18 months may receive an overseas recruitment incentive, provided that the average incentive for all such employees does not exceed 10 percent of the base annual salary of all employees eligible for the incentive.

(2) An overseas recruitment incentive is reimbursable only if the incentive amount is shown by the Contractor at the time the employee is nominated. The incentive is a fixed dollar amount which remains constant throughout the employee's appointment under the Contract.

(3) If this overseas recruitment incentive causes the employee's salary to exceed the FSR-1 level, contracting officer approval must be obtained.

(4) The overseas recruitment incentive is payable only as a lump-sum amount after the employee has completed his tour of duty in the cooperating country under this Contract. Employees serving overseas eighteen months or more may not receive any recruitment incentive.

3. § 7-7.5502-6 is amended to change the date in the title from "June 1973" to "July 1974" and to substitute the following for paragraph (a).

§ 7-7.5502-6 Leave and holidays.

LEAVE AND HOLIDAYS (JULY 1974)

(a) *Vacation leave overseas.* (1) The Contractor may grant to his employees working overseas under this Contract, vacations of reasonable duration in accordance with the Contractor's on-campus practice for his employees, but in no event shall such vacation leave be earned at a rate exceeding twenty-six (26) work days per annum. Vacation leave is provided under this Contract primarily for purposes of affording necessary rest and recreation to regular employees during their tour of duty in the Cooperating Country. The Contractor's Chief of Party, the employee and the Cooperating Country institution associated with this project shall develop vacation leave schedules early in the employee's tour of duty taking into consideration project requirements, employee preference, and other factors.

(2) Leave taken during the concluding weeks of an employee's tour shall be included in the established leave schedule and be limited to that amount of leave which can be earned during a twelve month period unless approved in accordance with paragraph (a)(3) of this section.

(3) Vacation leave earned but not taken by the end of the employee's tour pursuant to paragraphs (a)(1) and (2) of this section will be forfeited, unless the requirements of the project precluded the employee from taking such leave and the Contracting Officer, with the endorsement of the Mission, approves one of the following as an alternative:

(i) Taking, during the concluding weeks of the employee's tour, leave not permitted under paragraph (a)(2) of this section, or

(ii) Lump-sum payment for leave not taken provided such leave does not exceed the number of days which can be earned by the employee during a twelve month period.

*Effective date.* This AIDPR notice is effective on July 1, 1974. However, it may be observed earlier. Procuring activities are to incorporate the clauses set forth above in each new contract with an educational institution. For existing contracts with educational institutions, the clauses above are to be incorporated into the first amendment or modification executed after July 1, 1974 (except amendment solely for the purpose of incorporating indirect cost rates). Any exceptions are to be treated as deviations as set forth in AIDPR 7-1.107.

*Filing.* This notice should be filed in front of the main text of the Agency for International Development Procurement Regulations.

Date: June 27, 1974.

WILLARD H. MEINECKE,  
Acting Assistant Administrator  
for Program and Management Services.

[FR Doc.74-15844 Filed 7-10-74; 8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN

Paternity and Support

Notice of proposed rule making published in the *FEDERAL REGISTER* on October 4, 1973 (38 FR 27530) would have established a new section 45 CFR 235.75, related to establishing paternity of children born out of wedlock and securing support for such children and for others who have been abandoned or deserted and are receiving AFDC. The major proposed changes were to classify paternity and support activities as income maintenance rather than service functions (with Federal sharing at 50 percent rather than 75 percent); to require release of case records to law enforcement officials; and to broaden the scope of law enforcement officials' activities that could be reimbursed with Federal sharing.

Sixteen comments were received. Seven State welfare agencies, 2 city governments, and 1 individual were strongly supportive of the proposal. Objections from 4 organizations were based primarily on lack of knowledge of the results of previous enforcement programs and misreading of the proposal. Two welfare agencies and two organizations objected to release of the case record to law enforcement officials. However, such officials can best judge what information is necessary for their purpose. State welfare agencies suggested more flexibility in administration and two individuals suggested alternatives. The alternatives were either impractical or inconsistent with the law, and the regulations would permit considerable administrative flexibility.

The form of the proposal was based on the fact that 45 CFR Part 221, which superseded 45 CFR Part 220 on November 1, 1973, contained no provisions regarding paternity and support activities. Now that 45 CFR Part 220 is once again in effect, because of enactment of section 12 of Public Law 93-233, the proposal has been modified to fit into the provisions of Part 220. Therefore, the reclassification of certain activities to be reimbursed at the 50 percent rate has been eliminated, because the provisions of section 12 of that law forbid changes before January 1, 1975, in regulations relating to section 403(a)(3)(A) of the Social Security Act (which establishes the 75 percent matching rate for certain services).

Accordingly, Part 220 of 45 CFR, Chapter II is amended as follows:

Section 220.48 is revised to read as set forth below:

§ 220.48 Establishing paternity and securing support for children receiving Aid to Families with Dependent Children.

(a) There must be a program, with respect to children receiving AFDC, under which the agency will undertake:

(1) To establish the paternity of, and secure support for, a child born out of wedlock; and

(2) To secure support for a child deserted or abandoned by his parent, from such parent or any other legally liable person, using reciprocal arrangements with other States to obtain or enforce court orders for support.

(b) There must be a single organizational unit in the State agency and in large local agencies to administer the program referred to in paragraph (a) of this section.

(c) There must be cooperative arrangements, with appropriate courts and law-enforcement officials, including a written agreement:

(1) To assist the agency in carrying out the program, and with respect to any other matters of common concern;

(2) To reimburse courts and law-enforcement officials for such assistance;

(3) To provide courts and law-enforcement officials with pertinent information needed in locating putative or deserting fathers, establishing paternity and securing support; and

(4) To provide immediate referral of case records when requested by law-enforcement officials.

(d) Law-enforcement officials shall have access to case records. However, as a condition for release of information from the case records, there must be a written agreement between the agency and such officials that the information will be used only in promotion or support of the administration of the AFDC program, including the detection and prosecution of welfare fraud, the location of putative or deserting parents, and the establishment of paternity and securing support. There must be a determination by the head of the single State agency that the information contained in case records is required by the law-enforcement officials in the performance of their duties as described above. A law-enforcement official who disagrees with the determination may appeal to the Governor who shall inform such official and the State agency of his decision.

(e) The agency must cooperate with the State welfare agencies responsible for the AFDC program in other States, in locating the parent of an AFDC child against who a support petition has been filed in another State, and in attempting to secure the parent's compliance with a court order for support, when such parent is now residing in the agency's own State.

(f) There must be use of the clearance procedures established with the Internal Revenue Service to secure the address of parents of AFDC children whose location is unknown and who are failing to comply with existing court orders for support payments or against whom petitions for orders of support have been filed.

(g) The State agency shall submit monthly statistical reports of paternity and child support activities in the form and containing the information prescribed by the Secretary.

Section 220.61 is amended by revising paragraph (f) (1) (i) and (4) (v), (vi) and (vii) and by adding subparagraph (5) as follows:

**§ 220.61 Federal financial participation; AFDC.**

(f) *Rates of Federal financial participation.* (1) (i) Federal financial participation at the 75 percent rate is available for the service costs identified in paragraphs (d) and (e) of this section; and for training and staff development including costs of training provided to welfare staff by courts or law enforcement officials.

(v) Subject to paragraph (f) (5) of this section, cost, both direct and indirect, of reimbursing courts and law-enforcement officials under plans of cooperation approved by the single State agency for their assistance to the State or local agency in respect to its program to secure support and establish paternity, including costs of training provided to court and law-enforcement officials.

(vi) Costs of Emergency services to needy families with children.

(vii) Other expenses of administration not specified at the 75 percent rate for services.

(5) The ordinary administrative costs of the judiciary system are not subject to reimbursement.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: April 1, 1974.

(Catalog of Federal Domestic Assistance Nos. 13.724, Public Assistance—State and Local Training; 13.754, Public Assistance—Social Services and 13.761, Public Assistance—Maintenance Assistance (State Aid))

Dated: March 22, 1974.

JAMES S. DWIGHT, Jr.,  
*Administrator, Social and  
Rehabilitation Service.*

Approved: July 1, 1974.

CASPAR W. WEINBERGER,  
*Secretary.*

[FR Doc. 74-15925 Filed 7-10-74; 8:45 am]

#### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18920; FCC 74-657]

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

#### Point-to-Point Microwave Radio Service Applications; Policies and Procedures

In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the domestic point-to-point microwave radio service

and proposed amendments of Parts 2 and 21 of the Commission's rules Docket No. 18920 (RM-1700; 2024) (37 FR 26128).

1. On December 4, 1973 the Commission released a further notice of proposed rulemaking in this proceeding (38 FCC 2d 385) concerning local distribution (Issue E), including specific proposals for the allocation and use of various microwave radio bands. The proposed rules dealt with the use of the lower common carrier bands (i.e. 2 GHz through 11 GHz) and including petitions for use of the bands 10.7-11.7 GHz (RM-2024) and 38.6-40 GHz (RM-1700) for local distribution.

2. Comments were filed by 22 parties: 12 common carriers—Microband Corporation of America, Southern Pacific Communications Corporation, GTE Service Corporation, CML Satellite Corporation, Western Union Telegraph Company, Data Transmission Company (Datran), American Telephone and Telegraph Company (AT&T), United Video, Inc., and associated companies, Western Telecommunications Inc. (WTIC), Nebraska Consolidated Communications Corporation (NCCC), Communications Satellite Corp. (Comsat), and Microwave Communications, Inc. (MCI); 4 equipment manufacturers—Norden Division of United Aircraft Corporation (Norden), Vicom Division of Vidar Corporation (Vicom), Avante, Inc., and Varian Division of Micro-link Products (Varian); 5 trade associations—Electronics Industries Association (EIA), United States Independent Telephone Association (USITA), Utilities Telecommunications Council (UTC), American Petroleum Institute (API), and Multipoint Microwave Common Carriers Association (MMCCA); and one private radio user—Aeronautical Radio, Inc. (Arinc). Reply comments were filed by GTE, CML Satellite, Datran, AT&T, NCCC, Comsat, MCI, UTC and API.

3. The comments generally supported the proposed rules especially those allocating the higher frequency bands (i.e. 18 GHz and above) for use. However, there were numerous differences of opinion as to various details. Drawing the most comments were the 18 GHz frequency plan, the path distance and loading criteria for the lower band frequencies, and frequency tolerance changes. In the following paragraphs the comments will be summarized in connection with our discussion of each subject matter.

#### DISTANCE AND LOADING GUIDELINES

4. In the notice we concluded that it was difficult as a practical matter, to distinguish between frequency usage for "intercity" and "local distribution" usage. Therefore, we proposed guidelines for use of lower band frequencies (i.e. in the 2 GHz, 4 GHz, 6 GHz and 11 GHz common carrier bands) which would involve the use of various minimum distance and loading criteria for each band. The majority of the comments supported this approach although a number urged more flexibility or exceptions. Some of

## PLAN OF COOPERATION

The Plan of Cooperation operates as a purchase of services contract between the local welfare agency and the local law enforcement agency. It delineates the responsibilities of each department in cases of children born out of wedlock and with regard to the enforcement and collection of child support.

The model Plan included here maintains the confidentiality of persons receiving welfare and further provides that the welfare agency will immediately refer all absent parent cases to law enforcement officials. The law enforcement agency will have primary responsibility for child support and paternity proceedings and will undertake all steps necessary to secure such child support and determine paternity in the case of a child born out of wedlock.

The model Plan of Cooperation should be used as an example and altered as necessary to meet the needs of each individual county. The Plan must be signed by the heads of the county law enforcement agency and the contracting welfare agency, and it must contain as a minimum the provisions set forth in the model Plan pursuant to 45 CFR 220.48.

After the Plan of Cooperation is executed, it may be submitted to the Department of Benefit Payments, Legal Affairs staff, for review and approval. A copy of all approved Plans of Cooperation will be retained in the files of the Department. Whenever the Plan is amended or revised, the amended version must be submitted for approval.

## PLAN OF COOPERATION

### I

#### Purpose

The following is the Plan of Cooperation entered into between \_\_\_\_\_ county law enforcement agency and the \_\_\_\_\_ contracting welfare agency, for the coordination of their respective efforts and exchange of information. The purpose of this plan is to establish procedures for the securing of financial support for minor children, including, but not limited to, the location of absent parents, the establishment of paternity of children born out of wedlock, the determination of an absent parent's ability to support his minor children, and securing compliance with support agreements and court orders.

### II

#### Confidentiality

Courts and law enforcement officials shall have access to case records. This information shall be used only in promotion or support of the administration of the AFDC program, including the detection and prosecution of welfare fraud, the identification and location of putative or deserting parents, and the establishment of paternity and securing support.

### III

The COUNTY WELFARE DEPARTMENT shall have the following responsibilities:

(1) To refer all cases involving absent parents to the appropriate courts or law enforcement officials immediately at the time the application for assistance is signed whenever the whereabouts of said absent parent is unknown, or whenever:

(a) The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.



- (b) The absent parent refuses to make a contribution in accordance with his financial ability.
  - (c) There is reason to believe that the parent may flee or hide if contacted by the county department.
  - (d) The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.
  - (e) Legal action is necessary to establish paternity.
  - (f) The absent parent has entered into an agreement with the county department to support his child and has defaulted upon that agreement without showing good cause for such default.
  - (g) The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.
- (2) To provide county and law enforcement officials with pertinent information needed in locating putative or deserting fathers, establishing paternity and securing support.
  - (3) To assist courts and law enforcement officials in carrying out programs, with respect to children receiving AFDC, of establishing paternity and securing support for children born out of wedlock and securing support for children deserted or abandoned by their parents, from such parent or any other legally liable person.
  - (4) To use reciprocal arrangements with other states to obtain or enforce court orders for support, and to cooperate with law enforcement agencies with regard to reciprocal actions.
  - (5) To reimburse law enforcement officials for their assistance in support of such programs, pursuant to 45 CFR 220.61.
  - (6) To cooperate with the state welfare agencies responsible for the AFDC program in other states, in locating the parent of an AFDC child against whom a support petition has been filed in another state, and in attempting to secure the parent's compliance with a court order for support, when such parent is now residing in the agency's own state.

#### IV

The LAW ENFORCEMENT AGENCY shall have the following responsibilities:

- (1) To undertake efforts which will lead to the legal determination of paternity for children born out of wedlock.
- (2) To undertake efforts to locate the absent parent, including use of the clearance procedures established by the Central Registry Division of the Department of Justice and with the Internal Revenue

Service to secure the address of parents of AFDC children whose location is unknown and who are failing to comply with existing court orders for support payments or against whom petitions for orders of support have been filed.

(3) To interview the absent parent or to make arrangements for an interview by the appropriate agency if the parent lives outside the county.

(4) To use reciprocal arrangements with other states to obtain or enforce court orders for support.

(5) To seek voluntary agreement by the absent parent to provide financial support in accordance with his ability or to take necessary action under appropriate statutes to insure payment of such financial support.

(6) To report to the county welfare department on a timely basis information which is necessary to the determination and redetermination of eligibility and to the continuing administration of the aid payment.

(7) To supply staff upon request to the county welfare department to participate in training welfare employees.

(8) To conduct a review of all cases at least every six months.

## V

It is recognized that the law enforcement agency has primary responsibility for enforcing by civil and/or criminal means the obligation of parents to support their minor children. Upon referral from the welfare department, the law enforcement agency shall promptly take appropriate action to enforce said obligation.

## VI

All child support payments shall be paid through the law enforcement agency, which shall disburse the funds to the welfare department.

Dated: \_\_\_\_\_

\_\_\_\_\_  
District Attorney

\_\_\_\_\_  
County Welfare Director

\_\_\_\_\_  
Approved by Legal Affairs Staff;  
Department of Benefit Payments